

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67617 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- SARMERA District- Nalanda

MADAN YADAV Son of Late Jagu Yadav Resident of Village- Son diha, P.S.- Sarmera, District- Nalanda. At present resident of Village- Kumhra, P.S.- Ghoshwari, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-11-2019

Heard both sides.

The petitioner apprehends his arrest in Sarmera P.S. Case No.72 of 2019 registered under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant, mother of the deceased, named ten persons and alleged that while she was returning after seeing Yagya with her sons on a motorcycle, all the accused persons stopped the motorcycle of her son at the point of pistol. The accused persons dragged Arjun Chauhan from the motorcycle to a ditch and shot him dead.

The learned counsel for the petitioner submits that petitioner is of course named in the F.I.R. but no specific allegation of firing is made against the petitioner but it appears



that all the petitioners having conspired with each other assembled at a place waiting for the deceased who arrived with his mother and brother on a motorcycle and thereafter all the accused persons firstly fired and dragged the son of the informant to a ditch and shot him dead.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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